

## AMENDMENTS

### In the Claims

Please amend claim 23 as follows:

23. (Amended) A method of treating myocardial failure in a human comprising administering an effective amount of a transgene encoding for  $\alpha$ -MHC, wherein said treatment provides improvement in left ventricular ejection fraction.

### REMARKS

In conjunction with a Request for Continued Examination (and Extension) filed concurrently herewith, applicants provide an amended claim 23 for consideration. Should Examiner Ton have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,

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Date

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